IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.35566-M of 2007
Date of Decision:- 31.8.2007

Mandeep Singh ....Petitioner(s)

through
Mr.Balram Singh, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is to release the petitioner on regular bail in F.I.R.No.16 dated 1.2.2006 under Sections 302/34/120-B IPC, registered at Police Station City, Muktsar.

The above-stated F.I.R. has been registered on the statement of Manmohan Kaur @ Mohni, aged 70 years, who has *inter alia,* alleged that her brother, namely, Mohanvir Singh, aged 65 years, had gone to their agricultural farm but did not turn up and at about 12 O' clock, their servant informed that he was lying dead in the fields. She has further alleged that "some unknown person" has committed the murder of his brother.

During the course of investigation, niece of the deceased, namely, Chinar @ Shalu, who had some property dispute with the deceased, was arrested. She had allegedly deserted her husband and was in a living relationship with the present petitioner. He too was arrested in the

case on 7.2.2006.

In this case of blind murder, the prosecution case solely rests upon the last seen evidence of one Gurjant Singh son of Ujagar Singh.

Admittedly, Gurjant Singh has already been examined by the prosecution.

The petitioner's co-accused Chetan Kumar has already been released by this Court on regular bail vide a self-speaking order dated April 20, 2007 passed in Crl.Misc.No.7122-M of 2007 (Annexure P-2).

It is stated by learned State counsel that out of 24 witnesses, only 3 have been examined so far and, thus, conclusion of trial will take considerably long period.

After hearing learned counsel for the parties, having regard to the nature of occurrence, the total period spent by the petitioner in custody and the fact that the star witnesses have been examined by the prosecution, there is no possibility of tampering with its evidence and also keeping in view the fact that the petitioner's co-accused has already been released on bail but without expressing any views on the merits of the case lest it should prejudice either of them, this petition is allowed. The petitioner is directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Muktsar.

August 31, 2007 **(SURYA KANT)**
poonam **JUDGE**